



July 5, 2022

**HARRIS BEACH PLLC**  
ATTORNEYS AT LAW

**MEMO ENDORSED**

**VIA ECF**

The Honorable Katharine H. Parker, U.S.M.J.  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan U.S. Courthouse  
500 Pearl Street, Room 750  
New York, New York 10007-1312

**ROY W. BREITENBACH**  
MEMBER  
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RE: Gordon Surgical Group, P.C. et al. v. Empire HealthChoice HMO, Inc. et al.  
Civil Action No. 1:21-cv-04796

Your Honor:

This firm represents Gordon Surgical Group, P.C., Premier Medical Associates of the Hudson Valley LLP and Northern Westchester Surgical Associates, LLP (collectively, “**Plaintiffs**”) in the above-referenced action against Empire Healthchoice HMO, Inc. and Empire Healthchoice Assurance, Inc. (together, “**Defendants**”).

On consent of Defendants, the parties respectfully request a thirty-day extension of time to file their respective Ex Parte Settlement Conference Summary Form and Letter pursuant to Section V(d) of Your Honor’s Individual Rules. Unfortunately, I am currently ill with COVID-19, and have been unable to confer with counsel for Defendants on further settlement communications. Plaintiffs would use the extension period to submit an amended claims spreadsheet to counsel for the Defendants, and continue review settlement discussions thereunder.

This is Plaintiffs’ first request for an extension of time to file the Ex Parte Settlement Conference Summary Form and Letter. We thank Your Honor for your consideration of this matter.

Very truly yours,

**HARRIS BEACH PLLC**

*/s/Roy W. Breitenbach*

Roy W. Breitenbach

RWB:mtf

None

cc: Counsel of Record (via ECF)

**APPLICATION GRANTED:** The settlement conference in this matter scheduled for July 18, 2022 at 10 a.m. in Courtroom 17D, 500 Pearl Street, New York, New York is hereby rescheduled to Wednesday, October 19, 2022 at 2:00 p.m. Parties must attend in-person with their counsel. Corporate parties must send the person with decision making authority to settle the matter to the conference. The parties are instructed to complete the Settlement Conference Summary Report and prepare pre-conference submissions in accordance with the Judge Parkers Individual Rules of Practice. Pre-conference submissions must be received by the Court no later than October 12, 2022 by 5:00 p.m.

**APPLICATION GRANTED**



Hon. Katharine H. Parker, U.S.M.J.

07/07/2022